

House File 91 - Introduced

HOUSE FILE 91
BY ISENHART, LENSING, and
MASCHER

A BILL FOR

1 An Act modifying the definition of good moral character for
2 purposes of issuance of a liquor control license, beer
3 permit, or wine permit.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, subsection 26, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Oe.* The person is not or has not previously
4 been an owner or manager of any retail business or commercial
5 establishment that constitutes or was found to have constituted
6 a public nuisance by a state or local board, commission,
7 department, or other regulatory authority.

8 Sec. 2. Section 123.3, Code 2011, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 26A. "*Public nuisance*" means any business
11 whose operation or maintenance can be characterized by either
12 of the following:

13 a. Jeopardizing or endangering the public health or safety,
14 or the health or safety of persons residing or working on the
15 premises or in the surrounding area.

16 b. Repeatedly resulting in or facilitating disturbances of
17 the peace, illegal drug activity including sales or possession
18 thereof, public drunkenness, open container violations,
19 underage possession of alcohol, other alcohol-related offenses,
20 other criminal offenses, harassment of passersby, illegal
21 gambling, prostitution, sale of stolen goods, public urination,
22 theft, assaults, batteries, acts of vandalism, excessive
23 littering, illegal parking, or a disproportionate need for
24 peace officer patrol or response.

25 EXPLANATION

26 This bill modifies the definition of "good moral character"
27 applicable to requirements which must be satisfied by an
28 applicant prior to issuance of a liquor control license, beer
29 permit, or wine permit by the alcoholic beverages division of
30 the department of commerce.

31 The bill adds to currently defined elements constituting
32 good moral character that an applicant is not currently nor
33 has previously been an owner or manager of any retail business
34 or commercial establishment that constitutes or was found to
35 have constituted a public nuisance by a state or local board,

1 commission, department, or other regulatory authority. The
2 bill provides a definition of "public nuisance" which is
3 more narrowly focused on the type of business or commercial
4 establishment to which a license or permit might be issued
5 under Code chapter 123 than the definition contained in Code
6 chapter 676, dealing generally with nuisances.

7 The bill defines a public nuisance as any business whose
8 operation or maintenance, regardless of knowledge or fault
9 on the part of the owner or manager, either jeopardizes or
10 endangers public health or safety or the health or safety
11 of persons residing or working on the premises or in the
12 surrounding area, or repeatedly results in or facilitates
13 several specified disturbances or activities. These
14 disturbances or activities include disturbances of the peace,
15 illegal drug activity including sales or possession thereof,
16 public drunkenness, open container violations, underage
17 possession of alcohol, other alcohol-related offenses, other
18 criminal offenses, harassment of passersby, illegal gambling,
19 prostitution, sale of stolen goods, public urination, theft,
20 assaults, batteries, acts of vandalism, excessive littering,
21 illegal parking, or a disproportionate need for peace officer
22 patrol or response.